

Appl. No. 09/619,520
Amdt. dated February 24, 2005
Reply to Office Action of August 25, 2004,

PATENT

REMARKS/ARGUMENTS

Status of the Application

Prior to this amendment, claims 1-8, 10, 11, 13-20, 22-28, 30, 31 and 33-40 were pending in this application. The Examiner has rejected claims 1, 22, and 31 under 35 U.S.C. 102(b). The Examiner has also rejected claims 2-8, 10, 11, 13-15, 17-20, 23-28, 30, 33-35, and 37-40 under 35 U.S.C. 103. In this amendment, Applicant has amended claims 1, 3, 4, 6, 7, 8, 13-17, 20, 22, 24, 26-28, 30, 33-37, and 40, cancelled claims 10, 11, and 31, and added no new claims. Claims 2, 5, 18, 19, 23, 25, 38 and 39 remain unchanged by this amendment. Claims 1-8, 13-20, 22-28, 30, and 33-40 remain pending in this application after the filing of this amendment. Applicant submits that no new subject matter has been added by these amendments.

The Claims

Section 102 Rejections

The Examiner has rejected claims 1, 22, and 31 under 35 U.S.C. § 102 as being allegedly unpatentable over Kurihara (JP 10-286301) or Kitamura et al (JP 07-39273). Applicant respectfully disagrees with the Examiner, and therefore, traverses the rejection. For purposes of compact prosecution, however, Applicant has amended independent claims 1 and 22 to further clarify the invention. Applicant submits that amended claims 1 and 22 now are in condition for allowance for the following reasons.

Amended independent claim 1 now recites:

An apparatus for pumping and sterilizing or disinfecting liquid held in a reservoir, comprising:

a fluid conduit, which is at least partially submerged in the liquid held in the reservoir;

a ultraviolet light source which is at least partially within the fluid conduit, the ultraviolet light source comprising a ~~protective sleeve surrounding at least a portion of the ultraviolet light source~~ protective coating surrounding and in

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touching proximity with at least a portion of the ultraviolet light source, the protective coating hermatically sealing the ultraviolet light source, the protective coating having properties that allow the germicididal energy to pass; and and protecting the ultraviolet light source from breaking; and

an air drive unit coupled to the fluid conduit and adapted to cause a liquid to flow through the fluid conduit and past the ~~at least a portion of the ultraviolet light source~~ in the fluid conduit, wherein said ultraviolet light source generates an ultraviolet light which kills microorganisms in the liquid and said fluid conduit.

As the Examiner can see, Applicant has amended the claim to include the limitation that a protective coating surrounding and in touching proximity with at least a portion of the ultraviolet light source, the protective coating hermatically sealing the ultraviolet light source, the protective coating having properties that allow the germicididal energy to pass. (Emphasis Added). This new limitation is not disclosed by the prior art references, Kurihara or Kitamura. Furthermore, Applicant holds U.S. Pat. No. 6,614,039, Hermetically Sealed Ultraviolet Light Source, indicating the novelty of similar limitations. Therefore, Applicant submits that claim 1, as amended, now is allowable over the cited references.

In regards to claim 22, Applicant has amended this claim to include similar limitations of claim 1. Therefore, Applicant submits that independent claim 22 is allowable over the cited references for the reasons discussed above.

In regard to claims 2-8, 10, 11, 13-15, 17-20, 23-28, 30, 33-35, and 37-40, Applicant submits that these claims are allowable as being directed to specific novel substitutes, as well as by depending from allowable parent claims.

Allowable Subject Matter

The Examiner has indicated that claims 16 and 36 contain allowable subject matter, and would be allowable over the art of record if rewritten in independent form. Applicant agrees with the Examiner and thanks the Examiner for the careful consideration of these claims. Applicant submits that these claims still are allowable for being directed to novel

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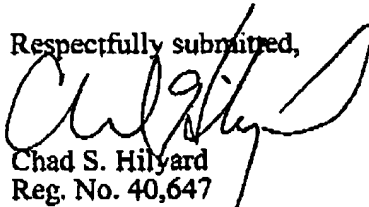
subject matter. In addition given the Amendments to independent claims 1 and 22, Applicant submits that these claims also are allowable by depending from allowable parent claims, which is why Applicant has not rewritten all the allowable claims in independent form at this time.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. Accordingly, Applicant respectfully requests the Examiner to issue a formal Notice of Allowance as soon as possible.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-607-3500.

Respectfully submitted,


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